

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA
 CIVIL DOCKET ENTRIES FOR CASE A02-0224--CV (HRH)
 "JACK LAWRENCE EARL JR V CRAIG TURNBULL ET AL"

Including terminated parties, excluding terminated counsel

Presiding Judge: The Honorable H. Russel Holland, U.S. District Judge
 Magistrate Judge: The Honorable John D. Roberts, U.S. Magistrate Judge
 Referral Rule: 2, Dkt 47
 Filed: 09/10/02
 Closed: NO

Jurisdiction: (3) Federal Question (US Govt not a Party)
 PLF Diversity:
 DEF Diversity:

Nature of Suit: (530) Habeas Corpus: General
 28 USC 2254
 Origin: (1) Original Proceeding
 Demand:
 Filing fee: Paid \$5.00 on 09/10/02 receipt # 00118383
 Trial by:

Parties of Record:

Counsel of Record:

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 STATE OF

No counsel found for this party!

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Document #	Filed	Docket text
1 - 1	09/10/02	PLF 1 Petition for Writ of H/C per 28:2254.
2 - 1	09/10/02	PLF 1 motion for appointment of counsel w/exhs.
3 - 1	09/18/02	HRH Order Directing Service & Response; clk to send cy of doc #1 w/this ord to Douglas Kossler; AAG of the State of AK is disp as a resp; mot for appt of cnsl (2-1) granted; FPD to designate CJA cnsl; cnsl to confer w/petitioner & file a signed 2254 pet due 10/17/02; resp ans due 11/16/02; case referred to MJ Branson per 4,5 & 11. cc: cnsl, FPD CJA Clerk, MJ Branson
4 - 1	10/10/02	PLF 1 Unopposed motion for extension of time (30 days) to file amended petition w/att aff.
5 - 1	10/15/02	AHB Order granting motion Unopposed motion for extension of time (30 days) to file amended petit (4-1); amended pet due COB 11/18/02; response due 12/23/02. cc: cnsl
6 - 1	10/23/02	DEF 1 Attorney Appearance of K. M. Rosenstein (AAG-308).
7 - 1	10/28/02	DEF 1 Attorney Substitution of K. M. Rosenstein for Douglas H. Kossler.
8 - 1	11/18/02	PLF 1 Petition for Writ of H/C per 28:2254 (Amended).
9 - 1	12/20/02	DEF 1 motion for more definite statement.
10 - 1	01/06/03	PLF 1 motion to extend time to respond to respondent's motion for more definite statement w/att affd.
11 - 1	01/07/03	AHB Order granting motion to extend time to respond to respondent's motion for more definite statement (10-1); response to COB 1/21/03. cc: cnsl
12 - 1	01/14/03	PLF 1 Notice of filing statement of Jack Earl re: DEF 1 motion for more definite statement. (9-1)
13 - 1	02/04/03	AHB Minute Order granting motion for more definite statement (9-1); further clarification/second amended pet due NLT COB 2/18/03. cc: cnsl

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14 - 1	02/04/03	PLF 1 Attorney Appearance of Mary C. Geddes (FPD).
15 - 1	02/05/03	PLF 1 Errata re: 14.
16 - 1	02/12/03	PLF 1 Unopposed motion for extension of time (to 3/4/03) to file second amended pet.
17 - 1	02/13/03	AHB Minute Order granting motion Unopposed motion for extension of time (to 3/4/03) to file second amended (16-1); second amended pet due NLT COB 3/4/03; respondent's answer/responsive pleading due NLT COB 4/18/03. cc: cns1
18 - 1	03/04/03	PLF 1 Clarification of ground four in petition for writ of Habeas Corpus 28:2254.
19 - 1	04/18/03	DEF 1 Answer to amended and clarified for writ petition for writ of habeas corpus w/att memo.
20 - 1	07/25/03	AHB Minute Order re S&P Conf set for 10:00 a.m. 8/6/03. cc: cns1
21 - 1	08/08/03	AHB Court Minutes [ECR: Robin Carter] re S&P Conf hld 8/6/03; pltf's answer to the issue of exhaustion of remedies raised by def 9/22/03; pltf's brief due 60 days after resolution of exhasution issue; def's brief due 60 dayse thereafter; reply brief due 30 days therafter. cc: cns1
22 - 1	09/18/03	PLF 1 Answer to Respondent's argument that claim four was not exhausted.
23 - 1	09/24/03	DEF 1 Response to Answer to Argument that Claim Four was not exhausted.
24 - 1	10/31/03	Motion (see R&R below).
24 - 2	10/31/03	Initial R&R re: exhaustion of claim number four; recommends a finding that claim #4 has not been exhausted; Earl must either amend pet to correct error or w/draw pet and exhaust state crt remedies. Objections due 11/13/03. Reply due 11/21/03. cc: cns1, Judge Holland
25 - 1	11/12/03	PLF 1 objection to R&R re: exhaustion of claim four (24-1).
26 - 1	11/21/03	DEF 1 reply to objection to R&R re: Motion (see R&R below). (24-1).
27 - 1	12/01/03	Final R&R declines to modify initial R&R; matter forwarded to trial judge for determination re: 24-1. cc: cns1, Judge Holland
28 - 1	01/15/04	HRH Order re: petition for Writ of Habeas Corpus - 28 U.S.C. § 2255. The plf must either amend his petition so as to delete the contention which has not been exhausted, or withdraw his petition and exhaust state remedies. Plf shall take one or the other of the foregoing courses of action by 2/16/04. Court adopted R&R re: motion (24-1). cc: cns1, MJ Branson
29 - 1	02/17/04	PLF 1 motion for stay of dismissal.
30 - 1	02/23/04	DEF 1 opposition to PLF 1 motion for stay of dismissal (29-1).
31 - 1	03/10/04	HRH Minute Order denying motion for stay of dismissal (29-1). cc: cns1

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32 - 1	03/26/04	PLF 1 motion of stay of federal proceedings pending state court exhaustion of ground.
33 - 1	03/31/04	DEF 1 limited opposition to PLF 1 motion of stay of federal proceedings pending state court exhaustion of ground. (32-1)
34 - 1	04/06/04	PLF 1 reply to opposition to PLF 1 motion of stay of federal proceedings pending state court exhaustion of ground (32-1).
35 - 1	04/12/04	HRH Order granting mot of stay of federal proceedings pending state crt exhaustion of grounds (32-1); proceedings stayed until earlier of state crt ruling on unexhausted clm or 3/30/05; if state crt proceedings not concluded by 3/30/05 plf may seek further ext. cc: cnsl
36 - 1	05/10/05	HRH Order re: case stat; petitioner to show cause by 5/27/05 why proceedings shouldn't be terminated for lack of prosecution. cc: cnsl
37 - 1	05/24/05	PLF 1 Response to Order to show cause.
37 - 2	05/24/05	PLF 1 Unopposed motion to stay pending State Supreme Court action.
38 - 1	05/26/05	HRH Order granting unoppo mot to stay pending State Supreme Court action (37-2); monthly stat rpts to be fld beginning 6/25/05. cc: cnsl
39 - 1	05/27/05	PLF 1 Status Report.
40 - 1	06/09/05	PLF 1 Status Report.
41 - 1	06/13/05	DEF 1 Response to stat rpt.
41 - 2	06/13/05	DEF 1 motion for extension of time until 10 days after plaintiff files memo or 7/6/05, whichever is later.
42 - 1	06/17/05	PLF 1 motion for reconsideration of decision that petition includes an unexhausted claim.
43 - 1	06/28/05	HRH Order that reference to MJ Branson w/drwn; stay of proceedings is lifted; granting mot for ext of time (41-2); respondent's oppo to mot for reconsideration due 7/6/05; crt will entertain reply re: mot for reconsideration. cc: cnsl
44 - 1	07/06/05	DEF 1 opposition to PLF 1 motion for reconsideration of decision that petition includes an unexhausted claim (42-1).
45 - 1	07/18/05	PLF 1 reply to opposition to PLF 1 motion for reconsideration of decision that petition includes an unexhausted claim (42-1).
46 - 1	08/10/05	DEF 1 Notice of Supplemental authority re: oppo to PLF 1 motion for reconsideration of decision that petition includes an unexhausted claim (42-1).
47 - 1	08/18/05	HRH Order granting motion for reconsideration of decision that petition includes an unexhausted claim (42-1). The court's order of 1/15/04 is readopted as amplified by this order. The petitioner may abandon his claim based on Reape's testimony, or undertake to show cause and prejudice or a fundamental miscarriage of justice as to this procedurally defaulted claim. The case is referred to the magistrte

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		judge for further proceedings on the petition. cc: cns1
48 - 1	08/18/05	JDR Minute Order in light of retirement of MJ Branson & at the direction of the Chief Judge, the MJ referral is reassigned to MJ Roberts. cc: cns1
49 - 1	08/19/05	JDR Minute Order status conf set for 9/2/05 at 9:30 a.m. cc: cns1
50 - 1	08/23/05	PLF 1 motion on shortened time to continue status conference.
51 - 1	08/24/05	MEG Order granting motion on shortened time to continue status conference (50-1); status conf RESET for 9/7/05 at 9:30 a.m. cc: cns1
52 - 1	09/08/05	JDR Court Minutes [ECR: Caroline Edmiston] Status Hearing (held 09/07/05); Petitioner will undertake to show cause and prejudice or a fundamental miscarriage of justice as to this procedurally defaulted claim; pet to file motion by 09/30/05; resp to file response by 10/28/05; pet to file reply by 11/04/05. CC: cns1, Judge Holland.
53 - 1	09/30/05	PLF 1 motion (that US District Court finds operation of AK Appellate Rule 303 excuses any arguable default) response to court's order @ dkt 47.
54 - 1	10/28/05	DEF 1 opposition to PLF 1 motion (that US District Court finds operation of AK Appellate Rule 303 excuses any arguable default) response to court's order @ dkt 47 (53-1).
55 - 1	11/23/05	Initial R&R re: PLF 1 motion (that US District Court finds operation of AK Appellate Rule 303 excuses any arguable default) response to court's order @ dkt 47 (53-1); Recommends that ground 4 of the petition for H/C be dismissed; Objections due 12/15/05. Reply due 12/29/05. cc: cns1, Judge Holland